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Attorneys for Defendant
T-MOBILE USA, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MILTON CARDOZA, on Behalf of Himself
and Others Similarly Situated,

Plaintiffs,

v.

T-MOBILE USA, INC.,

Defendant.

Case No.: CV08-5120 SC

STIPULATION AND ~~[PROPOSED]~~
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT

WHEREAS, Plaintiff filed his complaint in the above-titled action on November 10, 2008;
WHEREAS, Plaintiff served Defendant T-Mobile USA, Inc. ("T-Mobile") with the
complaint on December 2, 2008;

WHEREAS, T-Mobile originally had until December 22, 2008 to respond to the complaint;
WHEREAS, on December 19, 2008, the parties stipulated that the time to respond to the
complaint would be extended to January 16, 2009;

WHEREAS, T-Mobile intends to file, on or before January 16, 2009, a motion to transfer to
the Western District of Washington or, in the alternative, to dismiss or stay the instant action on the
same grounds (the "Motion to Transfer");

1 WHEREAS, the parties have agreed that T-Mobile's time to answer, move to dismiss under
2 Federal Rule of Civil Procedure 12, or otherwise respond to the complaint should be extended until
3 the Court has ruled on the Motion to Transfer; and

4 WHEREAS, the requested extension will not alter the date of any event or deadline already
5 fixed by Court order;

6 IT IS HEREBY STIPULATED AND AGREED among the parties, through their respective
7 counsel of record, pursuant to Civil Local Rule 6-1(a), to an extension of time for T-Mobile to
8 answer, move to dismiss under Rule 12, or otherwise respond to the complaint filed in this matter
9 until 30 days after the Court has ruled on T-Mobile's Motion to Transfer.

10
11 Dated: January 14, 2009

DAVIS POLK & WARDWELL

12
13 By: /s/ Christopher B. Hockett
14 Christopher B. Hockett

15 Attorneys for Defendant T-Mobile

16
17 Dated: January 14, 2009

LAW OFFICE OF PETER FREDMAN

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19 By: /s/ Peter B. Fredman
20 Peter B. Fredman

21 Attorneys for Plaintiff

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24 IT IS SO ORDERED.

25 Dated January 15, 2009

